



MINUTES

**BRYAN PLANNING AND ZONING COMMISSION
REGULAR MEETING
THURSDAY, OCTOBER 11, 2007
AT 6:00 P.M.
COUNCIL CHAMBERS, BRYAN MUNICIPAL BUILDING
300 SOUTH TEXAS AVENUE, BRYAN, TEXAS**

1. CALL TO ORDER

Chairperson Hughes called the workshop meeting to order at 6:00 p.m.

Commission members present were: Mr. Michael Beckendorf, Mr. Johnny Bond, Mr. John Clark (Vice Chairperson), Mr. Ralph Davila, Mr. Robert Horton, Mr. Art Hughes (Chairperson), Mr. G.H. Jones, Mr. Don Maxwell, and Mr. Michael Parks.

Commission members absent were: none.

Staff members present were: Ms. Lindsey Guindi, Planning Manager; Ms. Julie Fulgham, Staff Planner; Mr. Martin Zimmermann, Senior Planner; Mr. Randy Haynes, Staff Planner; Ms. Janis Hampton, Assistant City Attorney; and Mr. Rodney Schmidt, Planning Intern.

2. HEAR CITIZENS

No one came forward.

3. RECOGNITION OF AFFIDAVITS FILED IN RESPONSE TO STATE LAW ON DISCLOSURE OF LOCAL OFFICIAL'S CONFLICT OF INTEREST

No affidavits had been filed.

4. CONSENT AGENDA (Items may be removed at the request of two Commission members.)

A. Approval of minutes from the special workshop and meeting on September 24, 2007.

B. CONSIDERATION – Final Plat FP07-21

M. Zimmermann

Proposed Final plat of Bryan Medical Building Subdivision consisting of 2.36 acres of land located at the southwest corner of East 29th Street and Broadmoor Drive in Bryan, Brazos County, Texas.

D. CONSIDERATION – Replat RP07-24

M. Zimmermann

Proposed Replat of Lot 1 in Block 1 of Park Hudson Subdivision – Phase 8 consisting of 14.817 acres of land adjoining the south side of Boonville Road (F.M. 158) between Cross Park and Eastchester Drives in Bryan, Brazos County, Texas.

Commissioner Jones moved to remove item 4 (C) from the consent agenda and have it heard before item 5. Commissioner Beckendorf seconded the motion.

Chairperson Hughes asked if there was any discussion on the Commission.

Commissioner Beckendorf asked when the item would be heard. Chairperson Hughes stated that it would be heard immediately following the consent agenda.

The motion passed with a unanimous vote.

Commissioner Maxwell moved to approve the remaining items on the consent agenda. Commissioner Beckendorf seconded the motion.

Chairperson Hughes asked if there was any discussion on the Commission.

There was none.

The motion passed with a unanimous vote.

4. CONSENT AGENDA

C. CONSIDERATION – Final Plat FP07-24

R. Haynes

Proposed Final plat of Sierra Ridge Estates Subdivision, consisting of 13.62 acres of land located along Tabor Road between Nuches Lane and Milberger Street in Bryan, Brazos County, Texas.

Commissioner Parks moved to approve the proposed final plat, subject to approval of Rezoning RZ07-38 by the City Council. Commissioner Jones seconded the motion.

Chairperson Hughes asked if there was any discussion on the Commission.

There was none.

The motion passed with a unanimous vote.

REQUEST FOR APPROVAL OF RESUBDIVISIONS

5. PUBLIC HEARING/CONSIDERATION – Replat RP07-22

R. Haynes

Proposed replat of Lot 1 in the Bill Morille Subdivision consisting of 0.864 acres of land located on the north side of State Highway 21, west of its intersection with Bluebonnet Street in Bryan, Brazos County, Texas.

Mr. Randy Haynes, Staff Planner, presented a staff report (on file in the Development Services Department). Mr. Haynes stated that this proposed replat of Lot 1 in the Bill Morille Subdivision is a resubdivision of the existing lot with the addition of unplatted property with the resulting lot to be developed as a restaurant site. He also stated that the replat has received approval from the Site Development Review Committee and staff recommends approval.

The public hearing was opened.

No one came forward.

The public hearing was closed.

Commissioner Jones moved to approve Replat RP07-22, as requested. Commissioner Beckendorf seconded the motion.

Chairperson Hughes asked if there was any discussion on the Commission.

There was none.

The motion passed with a unanimous vote.

REQUESTS FOR APPROVAL OF REZONING (Commission makes recommendation; City Council has final approval.)

6. PUBLIC HEARING/CONSIDERATION – Rezoning RZ07-36

J. Fulgham

A City-initiated request to change the zoning classification from an Industrial (I) District to Retail (C-2) District for all of Blocks 112 and 113 of the Bryan Original Townsite at the northwest corner of Bryan and Sims Avenues in Bryan, Brazos County, Texas.

Ms. Julie Fulgham, Staff Planner, presented a staff report (on file in the Development Services Department). Ms. Fulgham stated that this is a city-initiated request to change the zoning classification from an Industrial (I) District to Retail (C-2) District and staff recommends approval. Staff feels that the request will:

- promote a balanced pattern of land use and provide a transition of land use intensities;
- not cause a negative impact on public schools, streets, water supply, sanitary sewers, or other utilities in the area;
- provide a transition between the low-intensive existing residential district and the mixed-intensive uses allowed within South College-Business zoning district; and

- cause a minimal direct detrimental impact on the appearance, comfort and value of existing nearby single-family residences compared to Industrial type developments at this same location.

Commissioner Maxwell asked what would happen to the house in the area if the request were approved. Ms. Fulgham stated that it would be allowed to stay.

Commissioner Davila asked why the city initiated this request. Ms. Fulgham stated that it was a result of several inquiries the city received regarding this area.

Commissioner Davila asked if all the property owners were notified of the proposed zone change. Ms. Fulgham stated that they were.

Commissioner Davila asked why staff wants to zone this C-2 and not to a residential classification. Ms. Fulgham stated that C-2 is more appropriate because of the existing land uses in the area.

The public hearing was opened.

Ms. Regina Mont came forward to speak in favor of the rezoning. She feels that it could help her more easily sell her home.

The public hearing was closed.

Commissioner Maxwell moved to recommend approval of Rezoning RZ07-36, as requested, accepting the findings of staff. Commissioner Jones seconded the motion.

Chairperson Hughes asked if there was any discussion on the Commission.

Commissioner Clark stated that the Planning and Zoning Commission does not affect tax rates.

Commissioner Clark stated that since the current business owners in the area are not in opposition to the request, he is in favor of the request.

The motion passed with a unanimous vote.

7. PUBLIC HEARING/CONSIDERATION – Rezoning RZ07-37

J. Fulgham

A request to change the zoning classification from Residential District – 5000 (RD-5) to Residential – Neighborhood Conservation District (R-NC) for approximately 19 lots out of the Austin's Colony Subdivision, Phase 8A situated along Colony Chase Drive and around Austin's Colony Parkway in Bryan, Brazos County, Texas.

Ms. Julie Fulgham, Staff Planner, presented a staff report (on file in the Development Services Department). Ms. Fulgham stated that this is a rezoning for Residential Neighborhood Conservation District which would allow only two (not four) unrelated individuals to occupy a single-family home. Staff recommends approval for all eligible lots in the neighborhood.

Commissioner Maxwell asked the request had gone through all the proper steps. Ms. Fulgham stated that it had.

The public hearing was opened.

Ms. Sharon Latimer, 4400 Colony Chase Drive, Bryan, Texas came forward to speak. She stated that she circulated the petition and that no one was in opposition to the rezoning.

The public hearing was closed.

Commissioner Bond moved to recommend approval of Rezoning RZ07-37, as requested, accepting the findings of staff. Commissioner Horton seconded the motion.

Chairperson Hughes asked if there was any discussion on the Commission.

There was none.

The motion passed with a unanimous vote.

8. PUBLIC HEARING/CONSIDERATION – Rezoning RZ07-38

R. Haynes

A request to change the zoning classification from a combination of Residential District 5000 (RD-5) and Agricultural Open District (AO) to a combination of RD-5 and Office District (C-1) for 13.62 acres of land generally located along and northeast of Tabor Road, between Nuches Lane & Milberger Street in Bryan, Brazos County, Texas.

Mr. Randy Haynes, Staff Planner, presented a staff report (on file in the Development Services Department). Mr. Haynes stated the request was made to accommodate a proposed residential subdivision at this location. The proposal also includes a 1.87 acre lot to be zoned C-1. Prior to the start of the development process, this 13.62 acre tract was unplatted and contained a former residence that has recently served as the business office for the developer. Most of the tract is currently zoned RD-5. Staff recommends approving a combination of RD-5 and C-1 zoning on all land encompassed within this request based on the following findings:

- There exists a .71 acre area where AO zoning overlaps on to this tract. This is the result of the initial implementation of zoning in Bryan where zoning boundaries did not always follow property lines. This rezoning request will convert that small area of AO to RD-5.
- The proposed residential subdivision wraps around a 1.87 acre lot. The current use of this property is as an office. The proposed rezoning will convert this lot from RD-5 to C-1. The uses allowed within C-1 are of low intensity and are generally appropriate adjacent to residential development. Upon rezoning, any future development on this lot will be required to conform to development standards set out within the C-1 zoning district.
- Tabor Road is classified as a minor arterial and is a state roadway. Residential development is appropriate in this area but access directly onto Tabor Road from individual lots would be undesirable. The development of a subdivision and a local street providing connection to the minor arterial is preferable to a piecemeal development. Public investment in the area includes three new schools (Bonham, Davila and Rudder).

The public hearing was opened.

Ms. Cindy Bengs, 2706 Tabor Road, Bryan, Texas came forward to speak in opposition to the request. She feels that the request could cause traffic problems in the area.

Ms. Dianne Gradington, 2602 Tabor Road, Bryan, Texas came forward to speak in opposition to the request. She feels that the request will decrease the value of her home and requested that the Commission give her more time to investigate the issue.

Commissioner Davila asked Mr. Haynes about the oil wells and the C-1 zoning on the property. Mr. Randy Haynes commented that there are several pipeline easements on the property and that all oil well operations require a conditional use permit issued by the Planning and Zoning Commission. He also stated that even without the rezoning, the area could be subdivided and more heavily populated because of its current RD-5 classification.

Mr. Haynes commented that the developer has given the State of Texas a 20-foot wide right-of-way along Tabor Road for road expansion. Staff feels that this will help alleviate most traffic issues that may arise in the area.

The public hearing was closed.

Commissioner Davila moved to recommend approval of Rezoning RZ07-38, as requested, accepting the findings of staff. Commissioner Jones seconded the motion.

Chairperson Hughes asked if there was any discussion on the Commission.

Commissioner Parks commented that city staff would be a great resource to answer many of the citizens concerns and encouraged them to speak with staff.

Commissioner Clark stated that the right-of-way and detention pond scheduled for construction will help to improve the look of the area.

The motion passed with a unanimous vote.

9. PUBLIC HEARING/CONSIDERATION – Rezoning RZ07-39

J. Fulgham

A City-initiated request to add Historic Preservation (HP) overlay zoning district to the property located at 401 South Main Street, Lots 1-5 in Block 100 of the Bryan Original Townsite and zoned in the South College – Business (SC-B) District in Bryan, Brazos County, Texas.

Ms. Julie Fulgham, Staff Planner presented a staff report (on file in the Development Services Department). City staff proposes the Planning and Zoning Commission, and ultimately City Council, designate the original International Harvester Building, most recently known as Hogan's Trucks, a City of Bryan Historic Landmark. This building is a good example of post-war modern architecture and is more than 50 years old. The building was constructed in approximately 1947. At its regular meeting on September 26th of 2007, the Historic Landmark Commission unanimously recommended that the P&Z designate a Historic Preservation Overlay District at this location. Mr. Fulgham stated that the current owners are in support of the rezoning.

Commissioner Clark asked to what extent current and future owners could modify the building if the rezoning occurred. Ms. Fulgham stated that any change, including demolition, must be approved by the Bryan Historic Landmark Commission.

Commissioner Maxwell stated that if the rezoning put too many restrictions on potential owners, it could cause the building to sit empty. Ms. Fulgham stated that federal tax credits available to historic landmark owners could make the property attractive to some potential buyers.

Commissioner Bond asked if the potential buyers are in favor of the rezoning. Ms. Fulgham stated the current owners are in favor of the rezoning.

Commissioner Parks asked if the owner or the city initiated this. Ms. Fulgham stated the city initiated it with the Historic Landmark Commission.

The public hearing was opened.

No one came forward.

The public hearing was closed.

Commissioner Jones moved to recommend approval of Rezoning RZ07-39, as requested, accepting the findings of staff. Commissioner Beckendorf seconded the motion.

Chairperson Hughes asked if there was any discussion on the Commission.

Commissioner Parks commended staff's vigilance in preserving buildings of importance to the history of Bryan.

Commissioner Maxwell commented that the building is of value and worth saving.

Commissioner Parks asked if the historic landmark status of the building could be repealed at a later date. Ms. Fulgham stated that it could be stripped of its status by repealing the ordinance that designated it as such.

The motion passed with a unanimous vote.

APPROVAL OF ANNEXATION CRITERIA (Commission makes recommendation; City Council has final approval.)

10. CONSIDERATION – Annexation Criteria

M. Zimmermann

Discussion and possible action on a list of criteria to be used in evaluating the annexation of areas within Bryan's extraterritorial jurisdiction.

Chairperson Hughes asked if there was any discussion on the Commission.

Commissioner Bond asked when the annexation process could begin. Mr. Zimmermann stated that annexations can be initiated by the city or property owners.

Commissioner Bond asked if the city has a list of properties it is considering annexing. Mr. Zimmermann stated that the city does not have a formal list of properties it is planning on annexing at this time.

Commissioner Parks asked if the criteria are a product of the joint Planning and Zoning Commission-City Council meeting held on July 10, 2007. Mr. Zimmermann stated that they are.

Commissioner Parks stated that he supports the criteria.

Commissioner Clark moved to recommend approval of the annexation criteria developed by staff as presented in the draft resolution. Commissioner Parks seconded the motion.

Chairperson Hughes asked if there was any discussion on the Commission.

Commissioner Clark stated that it was a good report.

Chairperson Hughes stated that it is important for each Commissioner to understand all the criteria.

Commissioner Bond stated that he liked the criteria proposal because it is simple and easily understood.

Commissioner Davila stated that in the future he would like more time to look over such proposals. He added that it is well done.

The motion passed with a unanimous vote.

11. ADJOURN

Without objection, Chairperson Hughes adjourned the workshop meeting at 6:58 p.m.

These minutes were reviewed and approved by the City of Bryan Planning and Zoning Commission on this the 1st day of **November, 2007**.

Art Hughes, Chairperson
Planning and Zoning Commission
City of Bryan, Texas

Lindsey Guindi, Planning Manager and
Secretary to the Planning and Zoning
Commission